

**WORKSHEET
DOCUMENTATION OF LAND USE PLAN CONFORMANCE
AND DETERMINATION OF NEPA ADEQUACY (DNA)**

U.S. Department of the Interior
Utah Bureau of Land Management (BLM)

A. BLM Office: Cedar City Field Office (UT-040), DNA #UTUSO-07-005

Lease/Serial/Case File No: Proposed lease parcels UT0507-030 through 044, inclusive

Proposed Action Title/Type: May 2007 Competitive Oil and Gas Lease Sale

Location of Proposed Action: The 15 nominated parcels are located within Iron and Beaver Counties, Utah. *Appendix A* is a map of the parcels. *Appendix B* contains legal descriptions for each parcel.

Description of the Proposed Action: The parcels, which are located on land administered by the Cedar City Field Office, were nominated for sale as part of the Utah Statewide May, 2007 oil and gas lease sale. *Appendix B* lists the parcels.

All of parcel UT0507-31 and portions of parcels UT0507-034 are located on split estate land where the surface is in private ownership or State ownership. The minerals on these parcels are owned by the federal government and administered by the BLM.

If a parcel of land is not purchased at the lease sale by competitive bidding, it may still be leased for two years after the initial offering after a current review of NEPA adequacy. A lease may be held for ten years, after which the lease expires unless oil or gas is produced in paying quantities. A producing lease can be held indefinitely by economic production.

Planning decisions place certain lands in a no leasing category. Most lands are leased with minor stipulations attached to the lease from the appropriate land use plan for the area. Some lands are leased with limited areas of no surface occupancy within the lease boundaries. Some lands are leased with no stipulations other than those found on the standard lease contract form. A lease grants the right to drill for oil and gas, at some location on the lease.

A lessee must submit an application for permit to drill (APD) to the BLM for approval and must possess an approved APD prior to any surface disturbance in preparation for drilling. Any stipulations attached to the standard lease form must be complied with before an APD may be approved. Following BLM approval of an APD, a lessee may produce oil and gas from the well in a manner approved by BLM in the APD or in subsequent sundry notices. Forty-eight hours before starting surface disturbing activity approved in the APD the operator must also notify the appropriate field office manager.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans:

The parcels are subject to the Cedar Beaver Garfield Antimony Resource Management Plan (CBGA RMP) approved October 1, 1986.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the planning decisions.

Oil and gas leasing categories were identified in the Cedar City District Oil and Gas Leasing EAR prepared in 1976 and were reviewed by the CBGA RMP/EIS (1986) and the Supplemental EA for Oil and Gas Leasing, Cedar City District, 1988. The original oil and gas categories established in 1976 were amended in the CBGA RMP to protect other resource values.

The Record of Decision for the CBGA RMP Environmental Impact Statement on page 25-56 and Mineral Map 1, categorize all lands in the Planning Area which are available for leasing along with any applicable stipulations.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action: NEPA documents which cover these parcels include the Cedar City District Oil and Gas Leasing EAR, approved May 5, 1976, the CBGA PRMP/FEIS (1984), the CBGA RMP/EIS (1986) and the Supplemental EA for Oil and Gas Leasing, Cedar City District, approved December 20, 1988.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Yes, for all of the parcels.

Documentation of answer and explanation: Leasing of the lands described in *Appendix B* was analyzed in the Cedar City District Oil and Gas EAR prepared in 1976, the FEIS or the CBGA RMP approved by the ROD dated October 1, 1986 and the Supplemental EA for Oil and Gas Leasing, Cedar City District EA #UT-040-88-69 prepared in 1988. The 1976 EAR analyzed the environmental consequences of oil and gas leasing in the Cedar City District and established four leasing categories that required appropriate lease stipulations for protection of the environment. The Record of Decision for the CBGA RMP -FEIS amended these categories and lease stipulations in 1986. The 1988 Supplemental EA, prepared to analyze cumulative impacts of oil and gas leasing based on a reasonably foreseeable development scenario, estimated that exploration wells would continue to be drilled in the Cedar City District at the rate of about three wells per year and that the success rate for finding commercial quantities would be low, no more than 10 percent based on the average success rate for wildcat wells in the United States. The Supplemental EA projected a total of 310 acres of surface disturbance from oil and gas activities occurring over 10 years and concluded that, overall, the cumulative impacts from oil and gas exploration would not be significant. Since 1988, three oil and gas exploration wells have been drilled on public lands in the Cedar City District disturbing about 12 acres. The current rate of drilling, extent of disturbance and magnitude of impacts are within the projection made in the Supplemental EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes, for all of the parcels.

Documentation of answer and explanation: The range of alternatives considered in the existing NEPA documents is essentially the categorization of the lands into categories. Since this categorization encompasses everything from no leasing to leasing with standard stipulations, it remains adequate to address changing concerns, interests, and resource values.

The 1976 EAR evaluated leasing and one alternative, to not allow leasing. The EAR analyzed the environmental consequences of oil and gas leasing in the Cedar City District (encompassing both the Pinyon MFP and the CBGA RMP) and established four leasing categories that required appropriate lease stipulations for protection of the environment. In 1986, the Record of Decision (ROD) for the CBGA RMP/EIS amended the categories and lease stipulations established through the 1976 EAR.

The CBGA RMP-EIS analyzed four alternatives identifying a range of resource uses and management practices which responded to the planning issues and concerns. The alternatives identified reflect resource tradeoffs favoring commodity on one extreme to environmental protection on another. The Record of Decision for the RMP/EIS on pages 25-56 and Minerals Map 1 identify those specific lands covered by the RMP/EIS which are available for leasing. Appendices Minerals 3 and 4 in the Draft CBGA EIS contain a detailed description of the oil and gas leasing categories and stipulations and the resources they are designed to protect.

3. Is existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent U.S. Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Yes, for all of parcels UT0507-030 through 031, 033 through 044, and portions of parcel UT0507-032

No, for portions of parcels UT0507- 032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8)

Documentation of answer and explanation:

YES: As documented in the attached Interdisciplinary Team Analysis Checklist, for the parcels listed under "Yes", above, no changes in conditions have occurred which would necessitate further analysis or a change in category or stipulations.

Cultural Resources

A cultural resource records search was done by the Cedar City Field Office archaeologist that covered the Area of Potential Effect (APE). The APE is defined as the total acres encompassed by lease parcels UT0507-030 - 044. Previous cultural resource surveys and recorded cultural properties were identified from the records search. The results of the records search indicate a low to moderate density of cultural properties. Based on the ability to avoid or otherwise mitigate potential impacts to cultural properties, a determination of "No Historic Properties Affected" has been made for the listed parcels. In following with the established "protocol" negotiated between the BLM and the Utah State Historic Preservation Office (USHPO), this determination will be transmitted to USHPO as part of a quarterly package along with other unrelated actions. The determination was based on a conclusion that at least one well could be located on each parcel without adversely affecting cultural resources. The archeologist's report can be found in Appendix C.

Threatened, Endangered or Sensitive Animal Species

Introduction and Proposed Action

The Bureau of Land Management (BLM) proposes to conduct a competitive oil and gas lease sale in May 2007. There are 15 parcels, totaling approximately 22,035 acres, located on lands administered by the Cedar City Field Office (CCFO). The majority of these lease parcels are located west of Cedar City in the Escalante Desert and north end of the Antelope Range. One parcel is located in the Three Peaks/Iron Springs area, one at the Little Salt Lake, and one just south of Beaver, Utah (see Attachment 1, map).

One partial parcel, UT0507-032, has been identified for deferral based on the need for additional NEPA analysis. The deferred portions of this parcel have not been analyzed in this report.

The parcels were analyzed for Special Status plant and animal species, and other wildlife values. Lease notices were recommended based upon this analysis. Attachment 2 lists lease parcels, land use plan lease stipulations, and recommended lease notices.

Background

In December 2004, BLM and U.S. Fish and Wildlife Service (FWS) personnel completed work on a set of lease notices for listed species that are to be attached to oil and gas leases offered in the State. On December 13, 2004, section 7 consultation was initiated with the submission of a memorandum to FWS containing the lease notices. FWS responded with a memorandum dated December 16, 2004 concurring with the BLM determination that use of the species specific lease notices on appropriate lease parcels would "may affect, but not likely to adversely affect" listed species in the State.

A Cedar City Field Office staff biologist has reviewed the parcels proposed for the May 2007 lease sale. None of the lease sale parcels are within designated Critical Habitat for any Threatened or Endangered Species. However, there are parcels that contain occupied or potentially suitable Utah prairie dog habitat, bald eagle habitat, or habitat for sensitive species.

All parcels recommended for leasing will be subject to the following Washington Office BLM lease stipulation as directed by WO IM No. 2002-174:

"The lease may now and hereafter contain plants, animals, and their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objectives to avoid BLM approved activity that will contribute to a need to list such a species or their habitat. BLM may require modification to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligation under requirements of the Endangered Species Act as amended, 16 U. S. C. § 1531 et seq. including completion of any required procedure for conference or consultation."

The parcels will also contain notification in Section 6 of the lease requirements that enforce compliance with the Endangered Species Act, stated as follows:

"If in the conduct of operations, threatened or endangered species, objects of historical or scientific interest, or substantial unanticipated environmental effects are observed, lessee will immediately contact lessor. Lessee shall cease any operations that would result in the destruction of such species or objects."

Recommendations

Lease notices are recommended for attachment to the following parcels for FWS Threatened, Endangered, Candidate, Proposed and Petitioned Species, stated as follows:

Federally listed species

Utah Prairie Dog

The Utah prairie dog (*Cynomys parvidens*) occurs throughout the Cedar City Field Office area. Twenty-one complexes have been mapped on BLM lands. Prairie dogs prefer grasslands, and also occur in grass/shrub mixed habitat. Parcels may contain potentially suitable habitat and be within dispersal distance from existing complexes.

Potential impacts to Utah prairie dog habitat were analyzed by reviewing the current mapped habitat and by using recent inventory/field data. A one-half mile buffer was placed around known and previously mapped habitat areas. The one-half mile buffer was chosen because that is the distance recommended for no surface occupancy (NSO) in the FWS approved lease notice for Utah prairie dogs around active, potentially suitable, and unoccupied prairie dog habitat that has been identified and mapped. Based on this analysis, two parcels (UT0507-031 and 034) are close to mapped habitat, contain potentially suitable habitat according to aerial photo interpretation, and have never been inventoried, mostly due to private surface ownership. These parcels are recommended for the Utah prairie dog lease notice because of the high potential that Utah prairie dogs may occur there.

Lease Notice – Utah prairie dog - Federally Listed Threatened Species

Two parcels have a potential of containing Utah prairie dogs. Therefore, the Utah prairie dog lease notice (T&E-08) would be attached to parcels, UT0507-031 and U0507-034, that are offered at the lease sale.

Bald eagle

Bald eagles (*Haliaeetus leucocephalus*) occur throughout the Field Office area between November 1 and March 15. The majority of bald eagles that winter in the CCFO are found in Cedar and Parowan valleys, with wintering populations of 100-300 birds. BLM lands are used by bald eagles searching for food, which consists primarily of carrion and rabbits in winter. Several major night roosts are located on private property in Cedar and Parowan valleys, but the only known night roost sites on BLM land are located in Summit Canyon east of Summit, Iron County, and South Creek southwest of Beaver. Roosting eagles have also been reported along the Beaver River downstream of the Minersville Reservoir.

Lease Notice – Bald Eagle - Federally Listed Threatened Species

No parcels are known to be within one half mile of night roost locations. However, two parcels have been identified as being within known winter foraging concentration areas. The bald eagle lease notices, T&E-01 and UT-LN-18 for Bald Eagle Habitat, would be attached to these parcels: UT0507-031 and UT0507-032.

No other listed threatened, endangered, candidate, proposed or petitioned wildlife or plant species or their habitats were identified as occurring on the parcels being considered for the May 2007 lease sale.

In the event that a lease containing any potential or designated critical habitat for a listed species receives an application for permit to drill, a detailed environmental analysis would be conducted and FWS would be notified and conference or Section 7 Consultation would be initiated. Any needed surveys would be required prior to exploration.

The lease sale form contains notifications regarding any development being in compliance with existing laws, including the Endangered Species Act. A detailed environmental analysis would be conducted at the APD stage. Compliance with the Endangered Species Act would be required and Section 7 consultation would be a part of this analysis.

Based on this review of these parcels and the lease notices that would be placed on the May 2007 Oil and Gas Lease Parcels, listed species and/or their habitat that may be found on these lease tracts would be protected from the impacts of potential oil and gas activities. Any proposed future activity within any of these parcels that contain potential or critical habitat or presences of a listed species would require notification to FWS.

Utah BLM State Sensitive Species

Proposed sale parcels were also reviewed to determine the occurrence of BLM or State of Utah listed sensitive species or their habitats, and other crucial wildlife habitat. To comply with BLM Policy 6840 for Utah BLM State Sensitive Species, Lease Notices have been attached to parcels for sensitive species.

Conclusion

Based on the information and analysis presented above, it is my determination that the May 2007 sale of oil and gas lease parcels, with the attached recommended lease notices in Appendix B, complies with the December 2004 FWS consultation. FWS responded with a memorandum dated December 16, 2004 concurring with the BLM determination that use of the species specific lease notices on appropriate lease parcels would "may affect, but not likely to adversely affect" listed species in the State.

No designated Critical Habitat for listed species or their habitat is found on these lease sale parcels, therefore the leasing action "will not result in the destruction or adverse modification" of designated Critical Habitat. A copy of the Wildlife report can be found in Appendix C.

No other listed threatened, endangered, candidate, proposed or petitioned wildlife or plant species or their habitats were identified as occurring on the parcels being considered for the May 2007 lease sale.

NO:

Greater Three Peaks Special Designated Special Recreation Management Area

Portions of parcel 032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8) fall within the Greater Three

Peaks Designated Special Recreation Management Area, which was recently designated after a land use plan amendment. The existing NEPA analysis did not contemplate utilizations related to oil and gas development. The existing NEPA analysis provides for leasing with only standard stipulations and the current surface utilization would require additional, more restrictive stipulations to be compatible with these surface utilizations.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes, for all of the parcels.

Documentation of answer and explanation: The methodology and approach used in the pertinent 1976 EAR, CBGA RMP/EIS, and the 1988 Supplemental EA are appropriate for the current proposed action because the methods of extraction, land requirements for exploration and development and types of potential impacts have not changed substantially since these documents were prepared.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?

Yes, for all of parcels UT0507-030 through portions of 032 and all of 033 through 044.

No, for portions of 032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8).

Documentation of answer and explanation:

YES: As documented in the attached Interdisciplinary Team Analysis Checklist, for the parcels listed under **Yes**, above, there have been no changes in circumstances or conditions, including reasonably foreseeable levels of oil and gas exploration or development that would change the impacts previously analyzed.

NO: Portions of parcel 032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8) fall within the Greater Three Peaks Designated Special Recreation Management Area, which was recently designated after a land use plan amendment. The existing NEPA analysis did not contemplate any of these surface utilizations. The existing NEPA analysis provides for leasing with only standard stipulations and the current surface utilization would require additional, more restrictive stipulations to be compatible with these surface utilizations.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes, for all of parcels UT0507-030 through portions of 032 and all of 033 through 044.

No, for portions of 032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8).

Documentation of answer and explanation:

YES: As documented in the attached Interdisciplinary Team Analysis Checklist, for the parcels listed under **Yes**, above, no changes in conditions have occurred which would lead to a change in cumulative impacts. In the Supplemental Oil and Gas Leasing EA prepared in 1988 for the Cedar City District, cumulative impacts, including reasonably foreseeable future impacts were analyzed on the basis of a reasonably foreseeable level of exploration and development, taking into account the known and inferred potential for occurrence of producible quantities of hydrocarbons. Since the potential for the occurrence of producible quantities is presently low, the analysis projected three wells per year for the next 10 years with a total surface disturbance of 310 acres. A much smaller number of wells and surface disturbance has occurred since completion of that

analysis. Consequently, impacts should be within the range of those described in the Supplemental EA. None of these wells were productive and no field developments have occurred.

NO: The cumulative impacts which could result from leasing portions of parcel 032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8) has substantially changed due to an amendment to the current LUP.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes, for all of parcels UT0507-030 through portions of 032 and all of 033 through 044.

No, for portions of 032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8).

Documentation of answer and explanation:

YES: The public involvement and interagency review procedures and finding made through the CBGA RMP/EIS are believed to be adequate for most of the resources related to the proposed leasing of oil and gas. Initiation of the CBGA planning process began on April 10, 1980 with the publication of a Federal Register Notice of Intent to begin preparation of the CBGA RMP/EIS. It requested help from the public on identification of issues and planning criteria. These issues were distributed to the public through 200 mailings on April 30, 1980 with a request for comments on how the issues should be refined. A news release in local and regional newspapers was distributed on May 1, 1980, explaining the RMP process and requesting public review and comment on identification of issues by June 2, 1980. Nine individuals or organizations responded to this request and their comments were used to revise the issues and develop the planning criteria. The October 6, 1983 publication of the Federal Register (Volume 48, No. 195) carried a Notice of Intent to prepare the EIS and solicited public input into the planning process. The Draft RMP/EIS was submitted for public review on May 14, 1984. At that time, approximately 1,000 copies of the Draft were sent to individuals and organizations who indicated they would like to review the document. At the same time, news releases were sent to local newspapers to inform the public that the Draft was available for comment. In addition, a newspaper insert was placed in local papers to solicit public comment on the alternatives and issues discussed in the Draft. Open houses were held in Cedar City (June 28, 1984), Beaver (June 27, 1984), and Panguitch, Utah (June 26, 1984) to receive public input.

The proposed action was posted on the BLM Utah Environmental Notification Bulletin Board (ENBB) on January 26, 2007. No comments were received.

The Paiute Indian Tribe of Utah and the appropriate Band and the Hopi Tribe were contacted regarding the proposal and supplied with a copy of the map in Appendix A. A *Project Response Letter/Declaration of Interest* document was signed by the Paiute Tribe on February 02, 2006 requesting notification for cultural information identified related to future cultural resource inventories. The Paiute did not indicate any concerns related to the proposed parcels. A map of the proposed lease parcels was sent to the Hopi. The Hopi did not submit a response, so follow up calls were attempted and voice mails were left explaining the nature of the call. The FO Archeologist has made a determination of "No Historic Properties Affected" for any cultural resources that may be located within the proposed lease parcels. In following with the established "protocol" negotiated between the BLM and the Utah State Historic Preservation Office (USHPO), this determination will be transmitted to USHPO as part of a quarterly package along with other unrelated actions.

NO: For the parcel portions listed under No above (032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8), it will be necessary to perform new analysis to assess the impacts of changing land use. This new analysis and consultation will require additional public and agency review and comment.

E. Interdisciplinary Analysis: See attached Interdisciplinary Team Analysis Record Checklist in *Appendix C*.

F. Mitigation Measures:

Special lease stipulations would be attached in accordance with the lease category restrictions prescribed in the CBGA RMP.

UT-S-07: CSU - In order to protect important seasonal raptor nesting areas, any exploration, drilling, and other development activity located Lot 7, SWSE of Sec. 7; Lots 1, 2, W2NE of Sec. 8 will be allowed only during the period from August 1 to February 28.

Additional mitigation would result from site specific analysis at the time lease operations are proposed. These mitigation measures would be stipulated as conditions of approval consistent with section 6 of the standard lease terms.

The following Lease Notices should be applied to the parcel noted. The full text of the Lease Notice is given following the table listing.

Parcel	Lease Notices
UT0507-030	LN-23, 38, 52, 56, 64
UT0507-031	LN-07, 18, 23, 38, 52, 58, 59, 69, T&E-08, T&E-01
UT0507-032	LN-07, 18, 38, 52, 59, 81, T&E-01
UT0507-033	LN-07, 13, 38, 52, 59, 81
UT0507-034	LN-07, 13, 38, 52, 81, T&E-08
UT0507-035	LN-07, 13, 38, 52, 59, 81
UT0507-036	LN-07, 13, 38, 52, 69, 81
UT0507-037	LN-07, 13, 38, 52, 59, 81
UT0507-038	LN-07, 13, 38, 52, 81, UT-S-07
UT0507-039	LN-07, 13, 38, 52, 59, 69, 81
UT0507-040	LN-07, 38, 52, 81
UT0507-041	LN-07, 23, 38, 52, 81
UT0507-042	LN-07, 23, 38, 52, 81
UT0507-043	LN-07, 23, 38, 52
UT0507-044	LN-07, 23, 38, 52

UT-LN-07

Lease Notice: Raptor Habitat

The lessee/operator is given notice that lands in this lease have been identified as containing Raptor Species and Habitat. Seasonal restrictions to the Surface Use Plan of Operations may be required in order to protect the Raptors and/or habitat in accordance with Section 6 of the lease terms, Endangered Species Act, and 43 CFR 3101.1-2.

UT-LN-13

Lease Notice: Burrowing Owl Habitat

The lessee/operator is given notice that lands in this lease have been identified as containing Burrowing Owl Habitat. Modification to the Surface Use Plan of Operations may be required in order to protect the Burrowing Owl and/or habitat from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, and 43 CFR 3101.1-2.

UT-LN-18

Lease Notice: Bald Eagle Habitat

The lessee/operator is given notice that lands in this lease have been identified as containing Bald Eagle Habitat. Modifications to the Surface Use Plan of Operations may be required in order to protect the Bald Eagle and/or habitat from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, and 43 CFR 3101.1-2.

UT-LN-23

Lease Notice: Crucial Deer Habitat

The lessee/operator is given notice that lands in this lease have been identified as containing Crucial Deer Habitat. Modifications, including seasonal restrictions, may be required to the Surface Use Plan of Operations in order to protect the habitat. This limitation does not apply to operation and maintenance of producing wells.

UT-LN-38

Lease Notice: Notification & Consultation Regarding Cultural Resources

The lease area may now or hereafter be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), the Archaeological Resources Protections Act (ARPA), the Native American Graves Protection and Repatriation Act (NAGPRA), the American Indian Religions Freedom Act (AIRFA), other statutes and Executive Order 13007, and which may be of concern to Native American tribes, interested parties, and the State Historic Preservation Officer (SHPO). BLM will not approve any ground disturbing activities as part of future lease operations until it completes applicable requirements of the National Historic Preservation Act (NHPA), including the completion of any required procedure for notification and consultation with appropriate tribe(s) and/or the SHPO. BLM may require modifications to exploration and development proposals to further its conservation and management objectives on BLM-approved activities that are determine to affect or impact historic or cultural properties and/or resources.

UT-LN-52

Lease Notice: Utah Sensitive Species

The lessee/operator is given notice that lands in this parcel have been identified as containing habitat for named species on the Utah Sensitive Species List. Modifications to the Surface Use Plan of Operations may be required in order to protect these resources from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, Migratory Bird Treaty Act and 43 CFR 3101.1-2.

UT-LN-56

Under Regulation 43 CFR 3101.1-2 and terms of the lease (BLM Form 3100-11), the authorized officer may require reasonable measures to minimize adverse impacts to other resource values, land uses, and users not addressed in lease stipulations at the time operations are proposed. Such reasonable measures may include, but are not limited to, modification of siting or design of facilities, timing of operations, and specification of interim and final reclamation measures, which may require relocating proposed operations up to 200 meters, but not off the leasehold, and prohibiting surface disturbing activities for up to 60 days.

The lands within this lease may include areas not specifically addressed by lease stipulations that may contain special values, may be needed for special purposes, or may require special attention to prevent damage to surface and /or other resources. Possible special areas include steep slopes, surface waters, riparian areas, periods of frozen ground or saturated soils, proximity to highways or other existing rights-of-way, near occupied dwellings, mineral material sites, critical soils and water wells. Any surface use or occupancy within such special areas will be controlled. Appropriate modifications to impose restrictions will be made for the maintenance and operation of producing wells.

UT-LN-58

Lease Notice: Utah Sensitive Species (Pygmy Rabbit)

The lessee/operator is given notice that lands in this parcel have been identified as containing habitat for named species on the Utah Sensitive Species List. Modifications to the Surface Use Plan of Operations may be required in order to protect these resources from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, and 43 CFR 3101.1-2. This notice may be waived, accepted, or modified by the authorized officer if either the resource values change or the lessee/operator demonstrates that adverse impacts can be mitigated.

UT-LN-59

Lease Notice: 100-Year Floodplains

The lessee/operator is given notice that lands in the lease have been identified as containing 100-year floodplains. Surface occupancy or use is subject to the Floodplain Executive Order No. 11988. Modifications to the Surface Use Plan of Operations may be required for the protection of the floodplains in accordance with the executive order as follows: If the only practical alternative requires the sitting in the floodplain, the action shall be modified in order to minimize potential harm to or within the floodplain; reduce the risk of flood loss; minimize the impact of floods on human safety, health, and welfare; and, restore and preserve the natural and beneficial values served by floodplains. This notice may be waived, excepted, or modified by the authorized

officer if the lessee/operator demonstrates that adverse impacts can be mitigated or the resource values have changed.

UT-LN-64

Lease Notice: Site ROW

The lessee/operator is given notice that lands in this lease have an existing site ROW present. Modifications to the Surface Use Plan of Operations may be required or other appropriate mitigation as deemed necessary by the BLM Authorized Officer in order to protect the valid existing rights.

UT-LN-69

Lease Notice: Riparian

The lessee/operator is given notice that this lease has been identified as containing riparian resources. Modifications to the Surface Use Plan of Operations, including no surface occupancy on portions of the parcel, may be required in order to protect riparian resources from surface disturbing activities.

UT-LN-81

Lease Notice: Crucial Pronghorn Habitat

The lessee/operator is given notice that the lands in this lease have been identified as crucial pronghorn (antelope) habitat. Modifications, including seasonal restrictions, may be required in the Surface Use Plan of Operations to protect pronghorn habitat.

T&E-01

LEASE NOTICE: BALD EAGLE

The Lessee/Operator is given notice that the lands in this parcel contains nesting/winter roost habitat for the bald eagle, a federally listed species. Avoidance or use restrictions may be placed on portions of the lease. Application of appropriate measures will depend on whether the action is temporary or permanent, and whether it occurs within or outside the bald eagle breeding or roosting season. A temporary action is completed prior to the following breeding or roosting season leaving no permanent structures and resulting in no permanent habitat loss. A permanent action continues for more than one breeding or roosting season and/or causes a loss of eagle habitat or displaces eagles through disturbances, i.e. creation of a permanent structure. The following avoidance and minimization measures have been designed to ensure activities carried out on the lease are in compliance with the Endangered Species Act. Integration of, and adherence to these measures will facilitate review and analysis of any submitted permits under the authority of this lease. Following these measures could reduce the scope of Endangered Species Act, Section 7 consultation at the permit stage.

Current avoidance and minimization measures include the following:

1. Surveys will be required prior to operations unless species occupancy and distribution information is complete and available. All Surveys must be conducted by qualified individual(s), and be conducted according to protocol.
2. Lease activities will require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.
3. Water production will be managed to ensure maintenance or enhancement of riparian habitat.
4. Temporary activities within 1.0 mile of nest sites will not occur during the breeding season of January 1 to August 31, unless the area has been surveyed according to protocol and determined to be unoccupied.
5. Temporary activities within 0.5 miles of winter roost areas, e.g., cottonwood galleries, will not occur during the winter roost season of November 1 to March 31, unless the area has been surveyed according to protocol and determined to be unoccupied.
6. No permanent infrastructure will be placed within 1.0 mile of nest sites.
7. No permanent infrastructure will be placed within 0.5 miles of winter roost areas.
8. Remove big game carrion to 100 feet from on lease roadways occurring within bald eagle foraging range.
9. Avoid loss or disturbance to large cottonwood gallery riparian habitats.
10. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in suitable habitat Utilize directional drilling to

avoid direct impacts to large cottonwood gallery riparian habitats. Ensure that such directional drilling does not intercept or degrade alluvial aquifers.

11. All areas of surface disturbance within riparian areas and/or adjacent uplands should be re-vegetated with native species.

Additional measures may also be employed to avoid or minimize effects to the species between the lease sale stage and lease development stage. These additional measures will be developed and implemented in consultation with the U.S. Fish and Wildlife Service to ensure continued compliance with the Endangered Species Act.

T&E-08

LEASE NOTICE: UTAH PRAIRIE DOG

The lessee/operator is given notice that lands in this lease may contain historic and/or occupied Utah prairie dog habitat, a threatened species under the Endangered Species Act. Avoidance or use restrictions may be placed on portions of the lease. Application of appropriate measures will depend whether the action is temporary or permanent, and whether it occurs when prairie dogs are active or hibernating. A temporary action is completed prior to the following active season leaving no permanent structures and resulting in no permanent habitat loss. A permanent action continues for more than one activity/hibernation season and/or causes a loss of Utah prairie dog habitat or displaces prairie dogs through disturbances, i.e. creation of a permanent structure. The following avoidance and minimization measures have been designed to ensure activities carried out on the lease are in compliance with the Endangered Species Act. Integration of, and adherence to these measures will facilitate review and analysis of any submitted permits under the authority of this lease. Following these measures could reduce the scope of Endangered Species Act, Section 7 consultation at the permit stage.

Current avoidance and minimization measures include the following:

5. Surveys will be required prior to operations unless species occupancy and distribution information is complete and available. All Surveys must be conducted by qualified individual(s).
6. Lease activities will require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.
7. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in prairie dog habitat.
4. Surface occupancy or other surface disturbing activity will be avoided within 0.5 mile of active prairie dog colonies.
5. Permanent surface disturbance or facilities will be avoided within 0.5 mile of potentially suitable, unoccupied prairie dog habitat, identified and mapped by Utah Division of Wildlife Resources since 1976.
6. The lessee/operator should consider if fencing infrastructure on well pad, e.g., drill pads, tank batteries, and compressors, would be needed to protect equipment from burrowing activities. In addition, the operator should consider if future surface disturbing activities would be required at the site.
7. Within occupied habitat, set a 25 mph speed limit on operator-created and maintained roads.
8. Limit disturbances to and within suitable habitat by staying on designated routes.
9. Limit new access routes created by the project.

BUREAU WIDE LEASE NOTICES

If a lease is issued, the BLM would retain authority to modify or deny lease activities pursuant to nondiscretionary statutes such as the Endangered Species Act of 1973, as amended and the National Historic Preservation Act of 1966, as amended. Pursuant to IM 2002-174 (May 21, 2002) and IM 2005-03 (October 5, 2004), the following two lease stipulations also must be attached to all of the offered parcels.

"The lease areas may now and hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid

BLM-approved activity that would contribute to a need to list such species or their habitat. BLM may require modifications to approve or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. 1531 et seq. including completion of any required procedure for conference or consultation."

"This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated."

CONCLUSIONS

Based on the review documented above, I conclude that:

Plan Conformance:

Conforms: The proposal to lease the following parcels conforms to the applicable land use plans:

Parcels UT0507-030 through portions of 032 and all of 033 through 044.

Does not conform: The proposal to lease the following parcels does not conform to the applicable land use plan:

Portions of parcel 032 (T. 35 S., R. 12 W., Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8).

Determination of NEPA Adequacy

Adequate: The existing NEPA documentation is adequate and constitutes BLM's compliance with the requirements of NEPA for the following lease parcels:

Parcels UT0507-030 through portions of 032 and 033 through 044

Not adequate: The existing NEPA documentation is not adequate and additional NEPA documentation is needed for the following parcels:

Portions of parcel 032 (T. 35 S., R. 12 W., Salt Lake Sec 2: Lot 3; Sec. 16: Lots 2, 3, 8).


Signature of the Responsible Official

3-29-2007
Date